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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/668,312	09/24/2003	Takashi Nakahara	056208.52792US	4684

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EXAMINER
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LOUIS JACQUES, JACQUES H

ART UNIT	PAPER NUMBER
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3661

DATE MAILED: 04/26/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/668,312

Applicant(s)

NAKAHARA ET AL.

Examiner

Jacques H Louis-Jacques

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 24 September 2003.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-12 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-12 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 9242003, 04192004.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

## **DETAILED ACTION**

### ***Priority***

1. Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

### ***Specification***

2. The disclosure is objected to because of the following informalities:

According to 37 CFR 1.71(f) as set forth in MPEP 608, "The specification must commence on a separate sheet. Each sheet including part of the specification may not include other parts of the application or other information. The claim(s), abstract and sequence listing (if any) should not be included on a sheet including any other part of the application." That is, the claim(s), abstract and sequence listings (if any) should each begin on a new page since each of these sections (specification, abstract, claims, sequence listings) of the disclosure are separately indexed in the Image File Wrapper (IFW). There should be no overlap on a single page of more than one section of the disclosure.

Appropriate correction is required.

### ***Claim Objections***

3. The claims in this application do not commence on a separate sheet or electronic page in accordance with 37 CFR 1.52(b)(3). Appropriate correction is required in response to this action.

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According to 37 CFR 1.75(a) as set forth in MPEP 608.01(i), "The specification must conclude with a claim particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention or discovery." In addition, according to MPEP 608.01(m) "The claim or claims must commence on a separate physical sheet or electronic page and should appear after the detailed description of the invention. Any sheet including a claim or portion of a claim may not contain any other parts of the application or other material."

4. Claims 4, 6, 7, and 10 are objected to because of the following informalities:

In claim 1, line 12, Applicant is suggested to add --specification-- after "information".

In claim 4, line 2, after "information center, the use of the double comma ", ," is improper.

In claim 6, line 16, Applicant is suggested to delete the word "and".

A claim should end with a period. Therefore, in claim 7, line 8, Applicant is suggested to change ",." to ---.

In claim 10, line 13, Applicant is suggested to add --and" after "specification;".

Appropriate correction is required.

#### ***Claim Rejections - 35 USC § 112***

5. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

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6. Claims 1-12 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claim 1, lines 7-8, "the information terminal" lacks antecedent basis.

In claim 3, line 2, "the time period" lacks antecedent basis. Also, the recitation "the time period is transmitted or recorded is determined" is not clear.

In claim 4, the recitation "the information center, based on the information specification of the predetermined vehicle information, and bills the user calculates service charges" is not clear. In addition, the "predetermined vehicle information: lacks antecedent basis.

Appropriate correction is required.

7. The following rejection is based on the examiner's best interpretation of the claims in light of the deficiencies as noted above.

***Claim Rejections - 35 USC § 102***

8. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

9. Claims 1-12 are rejected under 35 U.S.C. 102(e) as being anticipated by Carroll et al [6,859,699].

Carroll et al discloses a network-based method and system for collecting and distributing data (information). According to Carroll et al, there is provided an operation input equipment (device) of an information terminal unit mounted on a vehicle or a user for inputting information specification of the vehicle information to be transmitted to the information center (data provider) [columns 1 and 2]; means for storing the inputted vehicle information into the unit mounted on the vehicle [column 2]; means for recording the vehicle information of the vehicle carrying the unit according to the stored vehicle information specification [column 2]; and means for transmitting the stored vehicle information to the information center (data provider) (column 2). See also column 3, figures 2 and 5. As further described in column 5, the unit mounted on the vehicle receives from the information center (data provider) the vehicle information specification preset from an external information terminal, and the received vehicle information specification is displayed on the display equipment of the unit mounted on the vehicle. See also figures 3a-3d. In addition, Carroll et al discloses that the information center (service provider), based on the information specification of the [predetermined] vehicle information, bills the user [calculates] service charges when providing a user with services. See column 8. Additionally, when information specification has been selected, charges or discount rates thereof are displayed on the output equipment or information terminal of the unit mounted on the vehicle, and the charges or discount rates thereof are adjusted in conformity to the setting operation based on the information. See columns 6-7. Carroll et al also discloses a display equipment (device) for displaying information specifications. See column 6.

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10. Claims 1-12 are rejected under 35 U.S.C. 102(e) as being anticipated by Mizuishi [US 2003/0163248].

Mizuishi discloses an information management system or vehicle information collection system having a vehicle-mounted unit (10) for collecting vehicle information to be transmitted to an information center (20) for providing services based on the collected vehicle information. See page 1. According to Mizuishi, there is provided an operation input equipment (device) of an information terminal unit mounted on a vehicle or a user for inputting information specification (e.g., identification) of the vehicle information to be transmitted to the information center (page 1, [0010]); means for storing the inputted vehicle information into the unit mounted on the vehicle [page 2, [0013]]; means for recording the vehicle information of the vehicle carrying the unit according to the stored vehicle information specification [page 2]; and means for transmitting the stored vehicle information to the information center (pages 1 and 2 [0013]). As further described page 3, the unit mounted on the vehicle receives from the information center (data provider) the vehicle information specification preset from an external information terminal, and the received vehicle information specification is displayed on the display equipment of the unit mounted on the vehicle. In addition, Mizuishi discloses that the information center (service provider), based on the information specification of the [predetermined] vehicle information, bills the user [calculates] service charges when providing a user with services. See page 2. Additionally, according to Mizuishi, when information specification has been selected, charges or discount rates thereof are displayed on the output equipment or information

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terminal of the unit mounted on the vehicle, and the charges or discount rates thereof are adjusted in conformity to the setting operation based on the information. See pages 1 and 2 [0015], [0017]. Mizuishi also discloses a display equipment (device) for displaying information specifications. See figure 8.

11. Claims 1-12 are rejected under 35 U.S.C. 102(e) as being anticipated by Ukai et al [6,823,258].

Ukai et al discloses a method and apparatus for gathering (collecting) vehicle information. According to Ukai et al, there is provided an operation input equipment (device) of an information terminal unit (2) mounted on a vehicle (1) or a user for inputting information specification of the vehicle information to be transmitted to the information center (information management center, 6) (abstract, figure 5); means for storing the inputted vehicle information into the unit mounted on the vehicle [figures 5, 6]; means for recording the vehicle information of the vehicle carrying the unit according to the stored vehicle information specification [figure 5]; and means for transmitting the stored vehicle information to the information center (figure 5). See also column 6-8. As further described in column 5, the unit mounted on the vehicle receives from the information center the vehicle information specification preset from an external information terminal, and the received vehicle information specification is displayed on the display equipment of the unit mounted on the vehicle. See column 1. In addition, Ukai et al discloses that the information center, based on the information specification of the [predetermined] vehicle information, bills the user [calculates] service charges when



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providing a user with services. See abstract, figure 6, and columns 15-16. Additionally, when information specification has been selected, charges or discount rates thereof are displayed on the output equipment or information terminal of the unit mounted on the vehicle, and the charges or discount rates thereof are adjusted in conformity to the setting operation based on the information. See abstract. Ukai et al also discloses a display equipment (device) for displaying information specifications. See figure 2, column 8.

### *Conclusion*

12. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Each of the following prior art references is considered very pertinent to applicant's claimed invention.

Drury et al, 6,707,421, discloses a driver information system, wherein there is provide an input device for inputting information identification, a storage for storing the identification information, and wireless communication device for transmitting the information to a remote server.

Ohmura et al, 6,738,711, discloses a system for distributing map information and information other than map information.

Iihoshi et al, 6,754,570, discloses a service providing method and system for collecting information and providing information based on the collected information.

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Odashima et al, 6,828,936, discloses a navigation apparatus for mobile vehicle and navigation communication system for providing a clear display and preventing own vehicle position information from draining out to third parties.

Hileman, US 2003/0040944, discloses an on-demand transportation system including a server in communication with a user and a vehicle via a wired or wireless data channel. The user provides the server with transportation request information and requests transportation options from the server.

Harvey et al, US 2004/0204795, discloses a vehicle security system and method, wherein there is provided an input device for allowing entry of vehicle operator identification information (information specification), a transceiver for transmitting a message and receiving a response to a the message, an interface for allowing a processor to communicate with a vehicle-subsystem, and a processor, connected to the input device, the transceiver and the interface, for receiving the vehicle operator identification information and for generating the message.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jacques H Louis-Jacques whose telephone number is 571-272-6962. The examiner can normally be reached on M-Th 5:30 AM to 4:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thomas Black can be reached on 571-272-6956. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Jacques H Louis-Jacques  
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